

REMARKS

Applicants first wish to thank the Examiner for conducting an interview with Applicants' representative, Phyllis Kristal, on June 24, 2008. During the interview, claim rejections over Niederauer and potential claim amendments were discussed. Applicant's representative noted that Niederauer does not describe or suggest a component that is a discrete structure.

The Examiner has rejected claims 1, 8-11, 37 and 49-53 under 35 U.S.C. §102 as being anticipated by Niederauer (WO 01/32072).

Applicant respectfully requests that this rejection be withdrawn.

As amended, each of Applicants' independent claims requires that the first component and the second component be arranged relative to each other with the first component forming a discrete structure with pores and the second component infiltrating the pores. Applicants respectfully submit that this structure is neither disclosed nor suggested by Niederauer.

As discussed in Applicant's previous responses and during the interview, Niederauer discloses an implant that comprises a biodegradable polymer and a biodegradable ceramic, in which the ceramic is in the form of ceramic particles substantially uniformly distributed through the polymer. (Niederauer, e.g., page 6, paragraph 3, and page 8, second full paragraph.) The ceramic is not provided in the form of a discrete structure with pores, nor does the polymer infiltrate pores of the ceramic.

Therefore, the Applicant submits that the rejected claims are patentable over Niederauer.

No fees are believed to be due at this time. Please apply any other charges or credits, to deposit account 06-1050, referencing Attorney Docket No. 00167-482001/PT-2683-US-NP.

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Serial No. : 10/645,962  
Filed : August 22, 2003  
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Attorney's Docket No.: 00167-482001 / PT-2683-US-  
NP

Respectfully submitted,

Date: June 25, 2008

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